

EXHIBIT 5

Page 1

UNITED STATES DISTRICT COURT
IN AND FOR THE DISTRICT OF WYOMING

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STEPHANIE WADSWORTH, :
Individually and as :
Parent and Legal :
Guardian of W.W., K.W., :
G.W. and L.W., minor : Case No.
children, and MATTHEW : 2:23-cv-00118-NDF JURY
WADSWORTH, :
Plaintiff, :
v. :
WALMART, INC. and JETSON :
ELECTRIC BIKES, LLC, :
Defendants. :

DEPOSITION OF STEPHANIE WADSWORTH
TAKEN THROUGH
VERITEXT

Taken on Tuesday, February 27, 2024
8:59 a.m. to 12:55 p.m.

At HAMPTON INN
1055 Wild Horse Canyon Road
Green River, Wyoming 82935

Job No. CS6457160
Reported by: Abigail D.W. Johnson, RPR, CRR, CRC

1 Q. Okay. What would your typical night be?

2 A. Normally that's when I get my stuff done,
3 dishes, laundry.

4 Q. Okay, so you do some household chores?

5 A. Yes.

6 Q. All right. And is your bedtime typically
7 around 2:00 a.m.?

8 A. Yes.

9 Q. And do you typically have a cigarette
10 before you go to bed?

11 A. Yes.

12 Q. And would that have been out in the smoking
13 shed; correct?

14 A. Yes.

15 Q. Do you know if you used the space heater
16 when you had your cigarette right before bed?

17 A. I don't know.

18 Q. Okay. To -- I assume typically to access
19 the smoking shed, you would just go through the kitchen
20 door and down -- sorry it's right here.

21 A. Okay.

22 Q. Go through the kitchen door and then down
23 these stairs that we see?

24 A. Yes.

25 Q. All right. And then -- so the shed doors,

1 as we are looking at them on Exhibit 43, would face the
2 stairs?

3 A. Correct.

4 Q. All right. Would you ever go in to turn on
5 the space heater before you went out for a smoke --

6 A. No.

7 Q. -- to warm up the shed?

8 A. No.

9 Q. Okay. Only when you're sitting there?

10 A. Yes.

11 Q. And when you would go out for a cigarette,
12 would it always just be for one, or would there
13 sometimes be a couple?

14 A. Sometimes a couple.

15 Q. Okay. Do you remember how many cigarettes
16 you had right before you went to bed on -- I guess it
17 would have been February 1, around 2:00 a.m.?

18 A. No.

19 Q. That evening, when you went to bed around
20 2:00 a.m., did you go right into the living room or did
21 you start in the bedroom and then move to the living
22 room?

23 A. I went right to the living room.

24 Q. And was it a -- was there a couch or was
25 there a mattress in there that you slept on?

1 A. It was, like, camping pads, padded eggshell
2 foam on the floor.

3 Q. Okay.

4 A. Can I clarify when I say when I went to
5 bed?

6 Q. Sure.

7 A. 2:00 a.m. is when I got into bed, not when
8 I went outside to go to bed.

9 Q. Okay. Let me clarify that because I'm
10 not --

11 A. Okay.

12 Q. -- I'm not 100 percent sure what you're
13 saying.

14 So 2:00 a.m. is when you got in bed to go
15 to sleep?

16 A. Correct.

17 Q. Okay, but before you got into bed at
18 2:00 a.m., you would have had a cigarette before going
19 to bed?

20 A. Correct.

21 Q. Okay. Was that the clarification that you
22 wanted to make?

23 A. Yeah. One of the questions you said
24 outside at 2:00 a.m. I wouldn't have been outside at
25 2:00 a.m.

1 Q. Okay. You would have been outside a little
2 bit before 2:00 a.m., because 2:00 a.m. is when you
3 went to bed?

4 A. Correct.

5 Q. All right. And how soon before going to
6 bed do you typically have your last cigarette, within,
7 like, a half hour?

8 A. Yes.

9 Q. Okay. And did you have any alcohol the
10 night of January 31st?

11 A. Yes.

12 Q. Okay. Do you know how much you had that
13 evening?

14 A. No.

15 Q. Would it have been a typical day for
16 alcohol consumption for you?

17 A. Yes.

18 Q. As far as when you would consume alcohol,
19 is it more at night or is it throughout the day?

20 A. More at night.

21 Q. Okay. So is it once the kids go down --

22 A. Yes.

23 Q. -- then you will have some alcohol?

24 A. Yes.

25 Q. And do you know, was it Jäger that you were